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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 NEVADA RESTAURANT SERVICES,
16 INC., DBA DOTTY'S, a Nevada corporation,

17 Plaintiff,

18 vs.

19 FACTORY MUTUAL INSURANCE
20 COMPANY, dba FM GLOBAL, a Rhode
Island corporation; AFFILIATED FM
INSURANCE COMPANY; a Rhode Island
21 Corporation; JEFFEREY ZEBARTH, an
individual; PATRICK LANGIN, an
22 individual; DOES I through X; and ROE
Business Entities I through X,

23 Defendants.
24

Case No.: 2:22-cv-01104-RFB-VCF

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO DEFENDANT
FACTORY MUTUAL INSURANCE
COMPANY'S MOTION TO DISMISS**

(Second Request)

25 Pursuant to Local Rule IA 6-1, Plaintiff Nevada Restaurant Services, Inc. ("Plaintiff"), and
26 Defendants Factory Mutual Insurance Company ("Factory Mutual"), Affiliated FM Insurance
27 Company ("Affiliated FM"), Jefferey Zebarth ("Zebarth") and Patrick Langin ("Langin")
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(collectively referred to as “Defendants”), by and through their counsel of record, hereby request that the Court extend the deadline for Plaintiff to oppose Defendants Factory Mutual’s Motion to Dismiss filed on July 18, 2022. ECF No. 8. The parties stipulate and agree as follows:

1. On May 31, 2022, Plaintiff filed a complaint in the Eighth Judicial District Court for breach of contract, contractual breach of implied covenant of good faith and fair dealing, and tortious breach of implied covenant of good faith and fair dealing against Factory Mutual and Affiliated FM. Plaintiff also alleged negligent misrepresentation against Defendants Zebarth and Langin. ECF No. 1-1.

2. On July 11, 2022, Defendants Affiliated FM and Factory Mutual filed a petition for removal of the matter from the Eighth Judicial District Court for Clark County, Nevada, to the United States District Court for the District of Nevada. ECF No. 1.

3. On July 18, 2022, Defendant Factory Mutual filed a motion to dismiss Plaintiff’s causes of action for breach of contract, contractual breach of implied covenant of good faith and fair dealing and tortious breach of implied covenant of good faith and fair dealing. ECF No. 8. Additionally, Defendants Langin and Zebarth filed motions to dismiss Plaintiff’s cause of action for negligent misrepresentation. ECF Nos. 9-10.

4. The original deadline to file Plaintiff’s Oppositions to Defendants’ Motions to Dismiss was August 1, 2022.

5. The deadline to file Plaintiff’s Oppositions to Defendants’ Motions to Dismiss was continued to August 15, 2022, per the agreement of the parties and the Order of this Court. *See* ECF No. 20.

6. Plaintiff and Defendant Factory Mutual have been diligently working together to reach an agreement regarding the dismissal of Defendant Factory Mutual as a party in this matter; however, although close, no final agreement has been reached at this time.

7. Based on the foregoing, and in an effort to preserve judicial resources, the parties hereby agree to:

- a. Extend the deadline for Plaintiff to file its opposition to Defendant Factory Mutual’s Motion to Dismiss (ECF No. 8), should it be necessary, from August 15,

2022, to August 19, 2022, as the parties require more time to finalize agreeable terms regarding the dismissal of Defendant Factory Mutual from this matter; and

b. Defendant Factory Mutual Insurance Company's reply brief, should it be necessary, will be due within 14 days of Plaintiff's opposition brief, which is September 2, 2022.

DATED: August 15, 2022

/s/ J. Randall Jones

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DATED: August 15, 2022

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**[PROPOSED] ORDER FOR EXTENSION
OF TIME TO FILE OPPOSITION TO
DEFENDANT FACTORY MUTUAL
INSURANCE COMPANY'S MOTION TO
DISMISS**

(Second Request)

[PROPOSED] ORDER

Based on the parties' stipulation, it is hereby ordered that Plaintiff's deadline for filing its Opposition to Defendant Factory Mutual Insurance Company's Motion to Dismiss, if necessary, is extended from August 15, 2022 to August 19, 2022, and Defendant Factory Mutual Insurance Company will file its Reply, if necessary, within 14 days of Plaintiff filing its Opposition.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED: August 16, 2022